

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NAULTY, SCARICAMAZZA & McDEVITT, LTD.
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ATTORNEY FOR DEFENDANTS,
EHS Environmental, Inc., & Environmental
Hazard Services, Inc.

Executive Car Wash of Maple Glen

v.

EHS Environmental, Inc., & Environmental
Hazard Services

v.

Atlantic Petroleum Technologies

United States District Court
Eastern District of Pennsylvania

NO. 02-3747

ORDER

Upon consideration of the Motion of Defendants, EHS Environmental, Inc., & Environmental Hazard Services, Inc., it is hereby **ORDERED AND DECREED** that the discovery deadline shall be extended until September 15, 2003.

BY THE COURT:

J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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United States District Court
Eastern District of Pennsylvania

NO. 02-3747

ORDER

Upon consideration of the Motion of Defendants, EHS Environmental, Inc., & Environmental Hazard Services, Inc., it is hereby **ORDERED AND DECREED** that this matter is **STAYED** pending resolution of the insurance coverage issue.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
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NO. 02-3747

**MOTION OF DEFENDANTS, EHS ENVIRONMENTAL, INC., & ENVIRONMENTAL
HAZARD SERVICES, INC., TO EXTEND DISCOVERY DEADLINES**

Defendants, EHS Environmental, Inc., & Environmental Hazard Services, Inc., hereby moves this Court for an Order extending the discovery deadline, or, in the alternative, a stay of proceedings and in support thereof avers as follows:

1. On or about June 13, 2002, Executive Car Wash of Maple Glen (hereinafter "Plaintiff") filed a Civil Action Complaint in the United States District Court for the Eastern District of Pennsylvania, No. 02-CV-3747.
2. In their Complaint, the Plaintiff asserts claims against Defendants, Environmental, Inc., and Environmental Hazards Services, Inc. (hereinafter "Defendants") in the form of allegations of breach of contract, negligence, professional malpractice, and negligent representation.
3. The New Jersey-Property Liability Insurance Guaranty Association (hereinafter "Association") assigned Defendants legal representation with Naulty, Scaricamazza & McDevitt, Ltd.
4. Due to the insolvency of Credit General Insurance Company, the Association assumed the handling of claims pursuant to the New Jersey-Property Liability Insurance Guaranty Association Act. N.J.S.A. 17.30A-1 et seq.

5. On or about August 8, 2002, Defendants filed an Answer to Plaintiff's Complaint with Affirmative Defenses.

6. By Scheduling Order dated March 28, 2003, the Honorable R. Barclay Surrick set a discovery deadline of July 28, 2003. See attached copy of the Scheduling Order dated March 28, 2003 as Exhibit A.

7. Defendants have produced Answers to Plaintiff's Requests for Interrogatories and Production of Documents.

8. As of this date, Plaintiff has not provided any responses or objections to the discovery served on June 19, 2003.

9. As of this date, Plaintiff has not submitted to deposition.

10. Defendants are contemporaneously filing a Motion to Compel Plaintiff's deposition and discovery responses.

11. Recently, a significant insurance coverage issue has arisen.

12. Defendants held a "claims made" insurance policy through Credit General Insurance Company for the policy period of August 30, 2000 through August 30, 2001. The policy was effective beginning on the retroactive date of August 1, 1989. See attached copy of Credit General Insurance Company policy as Exhibit B.

13. The Credit General Insurance Company policy was cancelled effective January 1, 2001. See attached copy of the Policy Change as Exhibit C.

14. Notice of the claim was made on or about February 23, 2001.

15. On or about July 9, 2003, the undersigned counsel received a carbon copy of correspondence from the Association addressed to Defendants (hereinafter "Association letter") indicating that this claim was made after the cancellation of the Credit General policy. See attached copy of Association letter as Exhibit D.

16. The Association letter indicates that the Defendants were not insured through Credit General Insurance Company for this claim. Therefore, the Association cannot provide coverage for this action.

17. The undersigned counsel believes that Defendants may have held insurance through Steadfast Insurance for this claim.

18. As of this date, an issue exists as to Defendants' insurance coverage for this claim.

19. The discovery deadline is July 28, 2003.

WHEREFORE, Defendants respectfully request that this Court extend the discovery deadline until September 15, 2003. In the alternative, Defendants request that this matter be subject to a stay of proceedings pending resolution of the insurance coverage issue.

NAULTY, SCARICAMAZZA & McDEVITT, LTD.

BY: _____
Sean P. Buggy, Esquire
Attorney for Defendants,
EHS Environmental, Inc., & Environmental
Hazard Services, Inc.

CERTIFICATION OF SERVICE

I, SEAN P. BUGGY, ESQUIRE, hereby certify that I served a copy of Defendants' Motion upon counsel for the Plaintiff by United States Mail, First Class Postage Prepaid addressed as follows:

Steven Kapustin, Esquire
350 Sentry Parkway, Building 640
Blue Bell, PA 19422

NAULTY, SCARICAMAZZA & McDEVITT, LTD.

Date

BY: _____
Sean P. Buggy, Esquire
Attorney for Defendants,
EHS Environmental, Inc., & Environmental
Hazard Services, Inc.

VERIFICATION

I, Sean P. Buggy, Esquire, hereby verify that I am the attorney for the Defendants, EHS Environmental, Inc., and Environmental Hazard Services, Inc., and that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Sean P. Buggy, Esquire
Attorney for Defendants,
EHS Environmental, Inc., and Environmental
Hazard Services, Inc.